



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



330723

JUN 16 2009

Matthiessen and Hegeler Zinc Co. (M&H Zinc)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frederick L. Carus
2541 E. 150th Road
Peru, Illinois 61354-9417

RE: Matthiessen and Hegeler Zinc Company Site, LaSalle, Illinois
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

- 1) Develop and implement a Site Health and Safety Plan and Site Security Plan;
- 2) Conduct personnel and perimeter air monitoring for asbestos and lead during all work activities to protect workers and nearby populations;
- 3) Remove and properly dispose of friable asbestos-contaminated material (ACM);

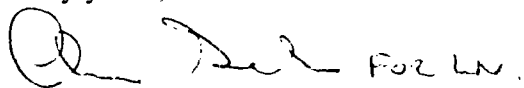
- 4) Dismantle structurally unsound laboratory building to abate lead dust threat, properly dispose of lead and metal contaminated debris;
- 5) Decontaminate equipment and appropriately dispose of decon-water;
- 6) Conduct post removal sampling and analysis to verify completion of the removal

U.S. EPA has received information that you may presently own or operate the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter. U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions.

If you need further information regarding this letter, you may contact Larry L. Johnson of the U.S. EPA Office of Regional Counsel at (312) 886-6609.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linda M. Nachowicz".

Linda M. Nachowicz, Chief
Emergency Response Branch #2

[Enclosure] (SBREFA information sheet)

LIST OF PRPs SENT GENERAL NOTICE LETTER

Frederick L. Carus
2541 E. 150th Road
Peru, Illinois 61354-9417

LaSalle Acres, Inc.
119 W. William Street, Suite 300
Decatur, Illinois 62523-1185

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and material for small businesses on the following Websites, available through public libraries:

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| ➔ www.epa.gov | <i>EPA's Home Page</i> |
| ➔ www.smallbiz-enviroweb.org | <i>EPA's Small Business Home Page</i> |
| ➔ www.smallbiz-enviroweb.org/state.html | <i>List of State Contacts</i> |
| ➔ www.epa.gov/ttn/sbap | <i>Small Business Assistance Programs</i> |
| ➔ www.epa.gov/oeca/polguid/index.html | <i>Enforcement Policy and Guidance</i> |
| ➔ www.epa.gov/oeca/smbusi.html | <i>Small Business Policy</i> |
| ➔ www.epa.gov/oeca/oc | <i>Compliance Assistance Home Page</i> |
| ➔ www.epa.gov/oeca/ccsmd/commpull.html | <i>Small Businesses and Commercial Services</i> |

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| ➔ www.epa.gov/oeca/ccsmd/mun.html | <i>Small Communities Policy</i> |
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Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

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|---|----------------|
| ➔ Small Business Ombudsman..... | (800) 368-5888 |
| ➔ RCRA/UST/CERCLA Hotline..... | (800) 424-9346 |
| ➔ Toxics Substances and Asbestos Information..... | (202) 554-1404 |
| ➔ Safe Drinking Water..... | (800) 426-4791 |
| ➔ Stratospheric Ozone/CFC Information..... | (800) 296-1996 |
| ➔ Clean Air Technical Center..... | (919) 541-0800 |
| ➔ Wetlands Hotline..... | (800) 832-7828 |

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

- Metal Finishing (www.nmfrc.org)
- Printing (1-888-USPNEAC or www.pneac.org)
- Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)
- Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- Printed Wiring Board Manufacturing (www.pwbrc.org)
- The Chemical Industry (Contact: Emily Chow 202564-7071)
- The Transportation Industry (<http://www.transource.org>)
- The Paints and Coatings Center (Contact: Scott Throwe 202564-7013)
- Local Governments (Contact: John Dombrowski, 202-564-7036)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)368-5888.

Compliance Incentive Policies

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202564-7068) for information on the Small Business Policy and Ken Harmon (202564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. ***However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.***

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). ***However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.***

Supplemental Information for Small Businesses
Subject to an U.S. EPA Enforcement Action

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

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Woodfork (SE-SJ)

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Emergency Support
SECTION

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or PO Box

City, State

Frederick L. Carus
2541 E. 150th Road
Peru, Illinois 61354-9417

PS Form 3

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United States
Environmental Protection
Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Woodfork (SE-SJ)
Official Business
Penalty For Private Use
\$300

#2

Frederick L. Carus
2541 E. 150th Road
Peru, Illinois 61354-9417

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

7001 0320 0005 8923 6981
7001 0320 0005 8923 6981

Sent To
Street, Apt.
or PO Box
City, State
Peru, Illinois 61354-9417

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Woodfork (SE-SJ)
6/16/09

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